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SIPDIS

SENSITIVE

STATE FOR WHA/PPC, WHA/AND, AND G/TIP

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [EC](#)

SUBJECT: ECUADOR'S TIP LEGISLATION AND CONFERENCE

REF: A. 2519

[1](#)B. 2773

[1](#)1. (U) Summary. Ecuador took additional steps forward in combating Trafficking in Persons (TIP) over the past week. Congress debated the draft of anti-TIP legislation that criminalizes TIP, sexual tourism, child pornography, and child prostitution. On October 22, the MFA and United Nations co-sponsored a TIP conference, where government officials spoke out against trafficking. The Ambassador's October 21 visit to Fundacion Quimera, the NGO that will set up the Machala TIP shelter, showed that the organization thoroughly understands the problem and is committed to the cause. The police conducted 37 raids from October 7 - 14. Also the Ministry of Government (MoG) plans to provide alternative employment training to adolescent prostitutes in mid-November, and the Burdet-Cedeno couple was sentenced to an additional 25 years for a rape related to their ongoing child pornography case. End Summary.

TIP Legislation

[1](#)2. (U) According to media reports and MoG official Carlos Jativa, the Congressional Committee on Civil and Criminal Legislation has reviewed all anti-TIP bills submitted by several congresspeople and the Ministry of Government. The committee combined all proposals into one bill, and Congress held the first debate on October 20. Jativa expects the anti-TIP legislation pending in Congress to be passed within 30 days. He claimed Minister of Government Raul Baca will go to the press if the bill is delayed. Pertinent facets of the bill include the following:

- a. The definition of TIP complies with G/TIP's model legislation.
- b. Child is defined as a person under 18 years for pornography and prostitution.
- c. Penalty of 12 to 25 years for traffickers
- d. Penalties for clients and persons who facilitate the crime of sexual tourism with minors under 18.
- e. Penalty of 4 to 25 years for people who produce child pornography.
- f. Presumption that a person cannot give consent for TIP and sexual exploitation when:
 - [1](#)1. the person is under 18 years of age
 - [1](#)2. the person has a disease that doesn't allow him/her to resist violence or threats
 - [1](#)3. the perpetrator takes advantage of a situation of superiority over the victim.

[1](#)3. (U) G/TIP is requested to review the legislation which was faxed on October 26. Jativa has told us we can submit changes to him, and if the MoG agrees with them, Jativa will submit them to Congress.

MFA's TIP Conference

[1](#)4. (U) The MFA and UN co-sponsored a two-day conference on alien smuggling and TIP on October 21 and 22. Approximately 50 people attended, of whom 10 were DINAPEN officers (the police unit dedicated to protecting children). Several high-level Ecuadorian government officials spoke at the meeting. Director of CONAMU (the National Women's Council) Rocio Rosero spoke out against TIP and CSEM. Minister of Labor Raul Izurieta described the evils of child prostitution and the circumstances that lead some Ecuadorian families to domestically traffic their children as prostitutes. Attorney General Mariana Yopez stated there is a pilot program to facilitate minors' testimonies and avoid victimizing them again in legal proceedings. However, most speakers confused alien smuggling and TIP, and many discussed issues unrelated to TIP for a large portion of their speeches.

NGO in Machala Gets It

15. (U) On October 21, the Ambassador and PolOff visited Fundacion Quimera, a NGO in Machala that has worked on commercial sexual exploitation of minors (CSEM) and related issues for several years. The NGO will set up a Machala shelter for TIP victims in conjunction with the International Labor Organization (ILO), through a grant from the Department of Labor (Ref A). The ILO's headquarters in Geneva should give official approval for the project shortly, and the shelter should open in January 2005. The facility will accommodate 50 minors who were sexually exploited, and management also will educate potential TIP victims. The NGO's leaders were very energized, committed to fighting TIP, and understood the problem in depth.

Police Raids

16. (U) From October 7 - 14, DINAPEN conducted 37 raids of nightclubs and bars and found 35 minors, who are believed to have engaged in prostitution. Almost all of them were handed over to family members. Twenty-nine of the 35 minors were males. DHS is investigating to determine why so many males were found.

MoG Plans More Training

17. (U) PolOff met with Jativa on October 20. Jativa's office is canvassing a group of 19 adolescent prostitutes to study their entry into the trade and better understand their social service needs. He reported that Baca met with the leaders of this group on October 15 and that the MoG and ILO are funding alternative vocational training sessions for 25 adolescent prostitutes and their families. They will occur by mid-November.

Burdet-Cedeno Sentenced to 25 Years

18. (U) According to press reports, a court in Guayas province sentenced the Burdet-Cedeno couple on October 19 to 25 years for the rape of their ten-year old niece. The crime occurred in conjunction with their child pornography videos. There are three remaining charges against the couple (Ref B).

Comment

19. (SBU) The legislation in Congress is a good sign and shows the determination of the MoG and many congresspeople to fight TIP. With Jativa's offer to accept our input, we hope Ecuador will eventually pass a strong anti-trafficking law. The raids and MoG training sessions also show a commitment to stopping the crime, prosecuting the perpetrators, and attending to victims' needs. Substantial press coverage of the Burdet-Cedeno case has kept the problem in the public eye.

110. (SBU) The MFA's conference, however, revealed there still is a lack of understanding of the difference between TIP and smuggling, and very few new ideas and information were presented. We will continue to meet with government officials to discuss their actions and remind them of the need to provide as much information as possible for the November 15 report.

KENNEY